

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

In the Matter of the Search of:

No. 4:21-mj-142

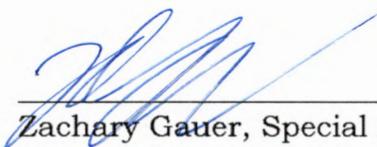
21-159-04

**REDACTED APPLICATION FOR
SEARCH AND SEIZURE WARRANT**

I, Zachary Gauer, being duly sworn depose and say:

I am a Special Agent with the United States Department of Justice, Drug Enforcement Administration (DEA) and have reason to believe that on the property or premises as fully described in Attachment A, attached hereto and incorporated herein by reference, there is now concealed certain property, namely: that which is fully described in Attachment B, attached hereto and incorporated herein by reference, which I believe is property constituting evidence of the commission of criminal offenses, contraband, the fruits of crime, or things otherwise criminally possessed, or property designed or intended for use or which is or has been used as the means of committing criminal offenses, concerning violations of [REDACTED]

The facts to support a finding of Probable Cause are contained in my Affidavit filed herewith.



Zachary Gauer, Special Agent
Drug Enforcement Administration

Sworn to and subscribed before me, telephonically, on the 7th day of September, 2021, at Sioux Falls, South Dakota.



VERONICA L. DUFFY
United States Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

In the Matter of the Search of:

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**REDACTED SEARCH AND
SEIZURE WARRANT**

TO: ANY AUTHORIZED LAW ENFORCEMENT OFFICER

An application by a federal law enforcement officer or an attorney for the government requests the search of the following property more fully described in Attachment A, attached hereto and incorporated herein by reference.

I find that the affidavit, or any recorded testimony, establish probable cause to search and seize the property described above, and that such search will reveal evidence of violations of [REDACTED]

[REDACTED] which is more fully described in Attachment B, attached hereto and incorporated herein by reference.

YOU ARE COMMANDED to execute this warrant on or before September 21, 2021 (not to exceed 14 days)

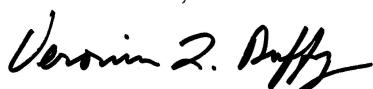
in the daytime - 6:00 a.m. to 10:00 p.m.

at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the undersigned Judge.

September 7, 2021 at 11:30 a.m. CDT at Sioux Falls, South Dakota
Date and Time Issued Telephonically



VERONICA L. DUFFY
United States Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

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REDACTED RETURN

Date and time warrant executed: _____

Copy of warrant and inventory left with: _____

Inventory made in the presence of: _____

Inventory of the property taken and name of any person(s) seized (attach additional sheets, if necessary):

CERTIFICATION

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Zachary Gauer, Special Agent
Drug Enforcement Administration

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

In the Matter of the Search Regarding No. 4:21-mj-142

21-159-04

REDACTED ATTACHMENT A

Property to Be Searched

1. The cellular telephone assigned call number [REDACTED], the “**TARGET CELL PHONE**,” whose service provider is T-Mobile USA., a wireless telephone service provider, headquartered at 4 Sylvan Way, Parsippany, New Jersey.
2. Information about the location of the **TARGET CELL PHONE** that is within the possession, custody, or control of T-Mobile USA, including information about the location of the cellular telephone if it is subsequently assigned a different call number.

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REDACTED ATTACHMENT B

Particular Things to be Seized

All information about the location of the **TARGET CELL PHONE** described in Attachment A for a period of 30 days, during all times of day and night. "Information about the location of the Target Telephone" includes all [REDACTED]

To the extent that the information described in the previous paragraph (hereinafter, "Location Information") is within the possession, custody, or control of T-Mobile USA, is required to disclose the [REDACTED]

[REDACTED] The government shall compensate T-Mobile USA for reasonable expenses incurred in furnishing such facilities or assistance.

This warrant does not authorize the seizure of any tangible property. In approving this warrant, the Court finds reasonable necessity for the seizure of the Location Information. See 18 U.S.C. § 3103a(b)(2).

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
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In the Matter of the Search Regarding

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**REDACTED AFFIDAVIT IN SUPPORT
OF AN APPLICATION FOR A
SEARCH WARRANT**

I, Special Agent Zachary Gauer, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant under Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 2703(c)(1)(A) for information about the location of the cellular telephone, [REDACTED] fully described in Attachment A, attached hereto and incorporated herein by reference (the “**TARGET CELL PHONE**”), whose service provider is T-Mobile USA., a wireless telephone service provider, headquartered at 4 Sylvan Way, Parsippany, New Jersey. The location information to be seized is described herein and in Attachment B, attached hereto and incorporated herein by reference.

2. Your Affiant is an investigative law enforcement officer within the meaning of Title 18, United States Code, Section 2510 (7), and is authorized by law to conduct investigations and make arrests for offenses enumerated in Title 18, United States Code, Section 2516. Your Affiant is a Special Agent with the Drug Enforcement Administration (DEA), the U.S. Department of Justice and has been so employed since September 2014. I am currently assigned to the DEA Sioux Falls Resident Office (SFRO) in Sioux Falls, South Dakota, and charged with investigating [REDACTED] of the

United States Code. I have received 20 weeks of specialized training in Quantico, Virginia, pertaining to the methods of distribution of all types of narcotics, undercover operations, electronic and physical surveillance procedures, execution of search warrants, and money laundering activities utilized by narcotics traffickers. Through my employment as a Special Agent with DEA, I have been involved with criminal investigations involving multiple co-conspirators distributing various weights of narcotics by various methods, money laundering activities, and the use of communication devices by co-conspirators to further their drug trafficking operations.

3. I have participated in investigations involving the interception of wire communications, the interception of electronic communications, and the use of

video surveillance. I am familiar with the manner in which [REDACTED]

4. As part of my duties as a DEA Special Agent, I have been involved in the debriefing of defendants, witnesses and informants, as well as others who have knowledge of the [REDACTED]. Further, I have participated in numerous [REDACTED] [REDACTED]

Specifically, I have supported Title III investigations involving the use of electronic communications interceptions through monitoring, technical operations, surveillance and arrests.

5. Based on my training, experience, and participation in investigations of state and federal [REDACTED] and know that such organizations will commonly compartmentalize members in an effort to limit individual knowledge of the operations of the organization to as few persons as possible. To minimize their risk of apprehension, leaders of drug organizations commonly attempt to distance themselves from [REDACTED]

[REDACTED] training, and conversations with other law enforcement personnel, I have become familiar with the methods used [REDACTED]

6. Further, based on my training and experience in investigating [REDACTED]

7. I know, from training and experience in the field of [REDACTED]

telephones in the names of family, friends, or fictitious names, and/or purchase unsubscribed prepaid cellular telephones to avoid detection. Another technique often used by [REDACTED] is the use of coded conversations and vague terminology to discuss [REDACTED]. For example, rather than use the words [REDACTED]

8. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

9. Based on the facts set forth in this affidavit, I believe there is probable cause to believe that violations of [REDACTED] have been committed, are being committed, and will be committed by [REDACTED], an [REDACTED] and others. There is also probable cause to believe that the location information described in Attachment B will constitute evidence of these criminal violations and will lead to the identification of individuals who are engaged in the commission of these offenses.

PROBABLE CAUSE

10. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[4]

22. Based on my training and experience, I know that T-Mobile USA can collect cell-site data about the Target Cell Phone.

AUTHORIZATION REQUEST

23. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 2703(c).

24. I further request that the Court direct the Service Provider to disclose to the government any information described in Attachment A that is within its possession, custody, or control. I also request that the Court direct the Service Provider to furnish the government all information, facilities, and technical assistance necessary to accomplish the collection of the information described in Attachment A unobtrusively and with a minimum of interference with its services, including by initiating a signal to determine the location of the Target Cell Phone on its network or with such other reference points as may be reasonably available, and at such intervals and times directed by the government. The government will compensate the Service Provider for reasonable expenses incurred in furnishing such facilities or assistance.

25. I further request that the information described in Attachment A be provided for the time period starting the date of issuance of the search warrant, until 30 days from the date of issuance of the search warrant.

26. I further request that the Court authorize execution of the warrant at any time of day or night, owing to the potential need to locate the **TARGET CELL PHONE** outside of daytime hours.



Special Agent Zachary Gauer
Drug Enforcement Administration

Subscribed and sworn to me, telephonically, on the 7th day of September, 2021, in Sioux Falls, South Dakota.



VERONICA L. DUFFY
United States Magistrate Judge